

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, Claims 1-38 and 41-44 are pending in the application, with claims 1, 7, 15, 16, 23, 24, 29, and 30 being the independent claims. Claims 1-38 and 41 are sought to be amended. Claims 39 and 40 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Applicants reserve the right to prosecute similar or broader claims, with respect to the cancelled and amended claims, in the future. New claims 43 and 44 are sought to be added.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejection under 35 U.S.C. § 112

At page 4 of the Final Office Action, the Examiner rejected claim 41 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

In the Advisory Action, the Examiner indicated that “[t]he 112 Rejection will be withdrawn.” Accordingly, the 35 U.S.C. § 112 rejection has been rendered moot.

Rejections under 35 U.S.C. § 103

Claims 1-4, 7-10, 14, 16-19, 24-26, 29-33, and 37-40

At page 5 of the Final Office Action, the Examiner rejected claims 1-4, 7-10, 14, 16-19, 24-26, 29-33, and 37-40 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Number 6,041,412 to Timson *et al.* (“Timson”) in view of U.S. Patent Number 6,959,336 to Moreh *et al.* (“Moreh”) and further in view of U.S. Patent Number 6,839,843 to Bacha *et al.* (“Bacha”). Applicants respectfully traverse this rejection, the “Response to Arguments” section on pages 2 and 3 of the Final Office Action, and the Advisory Action.

Without acquiescing to the propriety of the rejection, Applicants have cancelled claims 39 and 40, rendering the rejection of these claims moot. Additionally, without acquiescing to the propriety of the rejection, claims 1, 7, 16, 24, 29, and 30 have been

clarified to recite further features that distinguish over the applied references. For example, claims 1 and 7 recite, *inter alia*, “receiving . . . a first request, from a first sponsor of an access candidate, for . . . access to . . . a **computer network**,” claims 24, 29, and 30 recite, *inter alia*, “receiving . . . a request for access to . . . [a] **computer network**,” and claim 16 recites, *inter alia*, “storage means for receiving and storing electronic data using a **computer network**” (emphasis added).

The system in Timson uses “two secure data modules which contain security data and other information” and “a dual module reader for reading data and permissions contained on the secure data modules.” (Timson, col. 2, lines 14-21.) Timson states that “[t]he two secure data modules include an enabling module and an interrogatable module.” (Timson, col. 2, lines 21-22.) Timson further states that “[t]he interrogatable module is either **physically inserted into the dual module reader or brought into contactless communication with the dual module reader**” (emphasis added). (Timson, col. 2 line 66- col. 3, line 1.)

Thus, Timson does not teach or suggest “receiving . . . a first request, from a first sponsor of an access candidate, for . . . access to . . . a **computer network**,” as recited by claims 1 and 7 “receiving . . . a request for access to . . . [a] **computer network**,” as recited by claims 24, 29, and 30 or “storage means for receiving and storing electronic data using a **computer network**,” as recited by claim 16 (emphasis added). Rather, the system in Timson uses “two secure data modules which contain security data and other information” and “a dual module reader for reading data and permissions contained on the secure data modules” and “[t]he interrogatable module is either **physically inserted into the dual module reader or brought into contactless communication with the dual module reader**” (emphasis added). (Timson, col. 2 line 66- col. 3, line 1 and col. 2, lines 14-21.)

Further, Timson cannot be combined with another reference disclosing a computer network to result in the claimed invention because modification of Timson to include a “**computer network**,” as recited, using respective language, by claims 1, 7, 16, 24, 29, and 30, would render the system in Timson inoperable and would change the principle of operation of Timson.

The M.P.E.P. recites, at § 2143.01 (V) (emphasis added):

V. THE PROPOSED MODIFICATION CANNOT RENDER THE
PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)

The M.P.E.P. further recites, at § 2143.01 (VI):

VI. THE PROPOSED MODIFICATION CANNOT CHANGE THE
PRINCIPLE OF OPERATION OF A REFERENCE

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

The system in Timson uses “two secure data modules which contain security data and other information” and “a dual module reader for reading data and permissions contained on the secure data modules.” (Timson, col. 2, lines 14-21.) In the Timson system, “[t]he interrogatable module is either ***physically inserted into the dual module reader or brought into contactless communication with the dual module reader.***” Thus, the system in Timson cannot be modified to function using a “computer network,” as recited, using respective language, by claims 1, 7, 16, 24, 29, and 30, without changing the principle of operation of Timson or rendering Timson unsatisfactory for its intended purpose.

For at least the above noted reasons, Moreh and Bacha cannot be used to cure all of the deficiencies of Timson with respect to claims 1, 7, 16, 24, 29, and 30, as indicated above.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the 35 U.S.C. § 103(a) rejection of claims 1, 7, 16, 24, 29, and 30 and to pass

these claims to allowance. Additionally, at least based on their respective dependencies to claims 1, 7, 16, 24, and 30 claims 2-4, 8-10, 14, 17-19, 25, 26, 31-33, 37, and 38 should be found allowable over the applied references, as well as for their additional distinguishing features.

Claims 5, 6, 11-13, 15, 20-23, 27, 28, 34-36, 41, and 42

At page 16 of the Final Office Action, the Examiner rejected claims 5, 6, 11-13, 15, 20-23, 27, 28, 34-36, 41, and 42 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Timson in view of Moreh and further in view of Bacha and U.S. Patent Application Publication Number 2004/0049687 to Orsini *et al.* (“Orsini”). Applicants respectfully traverse this rejection and the Response to Arguments on pages 2 and 3 of the Final Office Action.

Without acquiescing to the propriety of the rejection, claims 15 and 23 have been clarified to recite further features that distinguish over the applied references. As noted above with respect to claims 1 and 7, “receiving . . . a first request, from a first sponsor of an access candidate, for . . . access to . . . a **computer network**,” is allowable subject matter. Claim 15 recites, *inter alia*, “receiving . . . a first request, from a first sponsor of an access candidate, for . . . access to . . . a **computer network**,” and claim 23 recites, *inter alia*, “storage configured to receive and store electronic data using a **computer network** . . . one or more resources configured to process and manipulate the electronic data using a **computer network**” (emphasis added). Thus, for at least the above-noted reasons, claims 15 and 23 should be found allowable over the applied references, as well as for their additional distinguishing features.

For at least the above noted reasons, Moreh, Bacha, and Orsini cannot be used to cure all of the deficiencies of Timson with respect to claims 1, 7, 15, 16, 23, 24, and 30, as indicated above.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the 35 U.S.C. § 103(a) rejection of claims 15 and 23 and to pass these claims to allowance. Additionally, at least based on their respective dependencies to claims 1, 7, 16, 24, and 30, claims 5, 6, 11-13, 20-22, 27, 28, 34-36, 41, and 42 should be found

allowable over the applied references, as well as for their additional distinguishing features.

New Claims 43 and 44

New claims 43 and 44 depend from claim 15 and include all features therein. Thus, at least based on their respective dependencies to claim 15, new claims 43 and 44 should be found allowable over the applied references, as well as for their additional distinguishing features.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Final Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

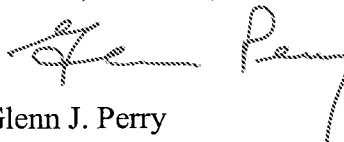
Reply to Office Action of January 4, 2010

BELANGER *et al.*
Appl. No. 10/659,368

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in dark ink, appearing to read "Glenn J. Perry". The signature is stylized with a large "G" and "P".

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